

**REMARKS**

Claims 1-9 were reviewed in a first, non-final office action, dated December 9, 2005. The specification stands objected to for a minor informality, claims 3 and 8 stand rejected for indefiniteness, and claims 1-9 stand rejected for anticipation.

**The Objection to the Specification Has Been Addressed.**

The disclosure stands objected to because the exterior shell is improperly labeled item 10 in paragraph 14. The disclosure has been amended to correctly label the exterior shell as item 12. Withdrawal of this objection is respectfully requested.

**The Claims are Not Indefinite.**

Claims 3 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claim 3 recites “the top opening,” which has no antecedent basis. Claim 3 has been amended to recite “the open top,” which has antecedent basis in claim 1. Claim 8 recites “the file storage purpose” which also lacks antecedent basis. Claim 8 has been amended to recite “the file storage area” which has antecedent basis in claim 1. Withdrawal of the indefiniteness rejection is respectfully requested.

**Claims 1-8 are Allowable.**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lupynec, U.S. Patent No. 5,211,457 (“Lupynec”). Claim 1 has been amended to recite, in part, an openable panel and a file support structure including a pair of panels extending rearwardly

from the rear facing surface of the openable panel. Lupyneec fails to disclose this structure, and, in fact, this structure would destroy the functionality of Lupyneec.

Lupyneec discloses a file cabinet 22 with a front door 32 hingedly connected to a front panel 31. A first set of hanging hooks 36 extend forwardly from the back wall of the file cabinet 22, and a second set of hanging hooks 38 extend rearwardly from the front door 32. There is simply no disclosure in Lupyneec of panels extending rearwardly from the front door 32. Accordingly, claim 1, as amended, is novel over Lupyneec. Claim 1, as amended, is also non-obvious over Lupyneec for at least the reason that none of the cited references disclose this structure.

Claim 1 is also nonobvious over Lupyneec because to alter Lupyneec to include the structure as claimed would destroy the functionality of Lupyneec. The inventive point of Lupyneec is drawn to a latch mechanism 40. Lupyneec, col. 3, lines 43-45. The latch mechanism allows the front door 32 to be opened and maintained in two different positions. Lupyneec discloses that the latch mechanism is connected from the sidewall 24 to the front door 32. The introduction of panels extending rearwardly from the front door 32 would interfere with the latch mechanism 40 and make it impossible for the large and cumbersome latch to connect as disclosed. Accordingly, there is no suggestion within Lupyneec to include panels extending rearwardly from the front door 32. Claim 1 is therefore allowable, and dependent claims 2-8 are allowable for at least the same reasons.

Claims 9-16 are Allowable.

Claim 9 stands rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Lupynec.

Claim 9 has been amended to recite, in part, a file support structure including a series of notches. Lupynec fails to disclose this structure, and there is no suggestion within Lupynec for this structure.

The Office Action alleges that the hanging hooks 38 read on the claimed file suspension device. However, the hanging hooks 38 have a smooth surface finish, and do not include a series of notches. See Fig. 1. Accordingly, claim 9, as amended, is not anticipated by Lupynec.

There is further in no suggestion for notches in the hanging hooks 38. The hanging hooks are used to store large sheets of paper such as drawings, maps, plans, or blueprints. See column 3, lines 28-29. In other words, the sheets of paper hang on the hooks 38. Notching the hanging hooks 38 would present edges on which the ends of the paper sheets would get caught, and therefore the notches would bend the edges of the paper. Accordingly, there is no suggestion to notch the hooks 38 of Lupynec, because the notches would make the device of Lupynec less effective. Claims 9-16 are therefore allowable.

Claim 17 is Allowable.

Claim 17 is new and recites, in part, that the file support structure is adapted to suspend a file at any position along its length when the openable panel is in the open condition.

In the fully open position in the cabinet of Lupynec, the hanging hooks 36, 38 disengage such that a gap exists between the hanging hooks 36, 38. In this configuration, files hanging on the hooks will fall off the hooks to the base of the cabinet. Accordingly, the hanging hooks 36,

38 cannot suspend a file at any position along their length when the panel is in the open condition because of the gap. Further, the cabinet of Lupynec is designed to support large drawings such as blueprints by draping over the hanging hooks 36, 38. There is simply no teaching that the cabinet is adapted to support a file. Accordingly, because files will fall to the bottom of the cabinet of Lupynec when the openable panel is in the open condition, Lupynec is not adapted to suspend a file as claimed. Claim 17 is therefore allowable.

### **CONCLUSION**

In view of the above amendment, the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29618/39225D from which the undersigned is authorized to draw.

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Respectfully submitted,

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